

Serial No.: 10/569,541

Filing Date: 2/23/2006

Attorney Docket No. 515.038US01

Title: UPDATING SYSTEM OF MUSIC DATABASE, TRANSMISSION APPARATUS OF MUSIC DATABASE, TERMINAL HAVING UPDATE FUNCTION OF MUSIC DATABASE, UPDATING METHOD OF MUSIC DATABASE, TRANSMISSION METHOD OF MUSIC DATABASE, AND UPDATING METHOD OF MUSIC DATABASE IN TERMINAL

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### REMARKS

The Office Action mailed on October 17, 2008 has been reviewed. Claims 1-13 are pending in this application. Claims 1 and 13 have been amended and introduce no new matter.

#### Rejections Under 35 U.S.C. § 102

Claims 1-4, 7, 8, 12 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Noreen et al. (U.S. Application No. 2002/0183059).

Claim 1 has been amended to read, *inter alia*,

*the terminal is further comprised of a playback unit which plays the recording media and a display unit which searches the reception side music database according to the identification information of the recording media being played back at the playback unit and displays music information thus searched for on the display unit.*

As amended, claim 1 reads that the music information thus searched for is displayed in the terminal. *Noreen* does not teach a display which “displays music information thus searched for on the display unit” as recited in amended claim 1.

*Noreen* is directed to an interactive media system for use with broadcast media. See *Noreen*, paragraph [0010]. In the media system, feedback is applied to subscribers of the system via a subscriber access device. *Id.* at [0046]. A network operation center of the system provides information relating to a program segment selected by the subscriber via the Internet so as to enable the subscriber to retrieve the information using a home or office PC. *Id.* Thus, *Noreen* has nothing to do with a terminal comprising a “playback unit” and a “display unit.” Therefore, *Noreen* does not teach “...identification information of the recording media being played back at the playback unit and displays music information thus searched for on the display unit.” Furthermore, claim 1 is not

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anticipated by *Noreen* as claim 1 is configured to search reception side music data according to identification information of a recording media being played back in the terminal, which is not disclosed anywhere in *Noreen*.

Therefore, based on the foregoing arguments, Applicants respectfully assert that claim 1 is allowable. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 2-4, 7, and 8 either directly or indirectly depend from independent claim 1. At least for the reasons discussed above, claims 2-11 are allowable. Reconsideration and withdrawal of these rejections is respectfully requested.

With respect to claim 12, *Noreen* does not teach “a broadcast function unit for broadcasting said music database information from said transmission use music database as multiplex information multiplexed on a predetermined broadcast wave.” The Office Action cites to *Noreen*, paragraph [0047] as teaching this limitation. However, the cited passage is in fact directed to a set of land-based radio broadcasters which broadcast specific program information, such as the information identifying individual program segments. Therefore, *Noreen* is not broadcasting “music database information from said transmission use music database as multiplex information multiplexed on a predetermined broadcast wave.” Thus, based on the foregoing arguments and the arguments with respect to claim 1, Applicants respectfully assert that claim 12 is allowable. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 13 has been amended to include the limitation added in claim 1. Therefore, based on the foregoing arguments with respect to claim 1, Applicants respectfully assert that claim 13 is allowable. Reconsideration and withdrawal of this rejection is respectfully requested.

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Rejections Under 35 U.S.C. § 103

Claims 5, 9, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Noreen et al. (U.S. Application No. 2002/0183059) in view of Yamamoto (JP Patent No. 02002108352). Applicants respectfully traverse this rejection.

Claims 5, 9, and 10 depend directly from independent claim 1. *Noreen* is defective because it fails to teach or suggest the limitation “the terminal is further comprised of a playback unit which plays the recording media and a display unit which searches the reception side music database according to the identification information of the recording media being played back at the playback unit and displays music information thus searched for on the display unit” provided by claim 1.

Applicant respectfully asserts that claim 1 is not rendered unpatentable by *Noreen* in view of *Yamamoto* because *Noreen* and *Yamamoto* fail to teach or suggest the amended claim limitation. For at least this reason claim 1 is allowable over these references. Claims 5, 9, and 10 depend from and further defines claim 1 and are therefore also allowable. Furthermore, *Yamamoto* focuses on a music distribution side (*i.e.* the music transmission side) only. The claims are directed to a reception side. Therefore, the claimed features realized on the reception side (*i.e.*, the terminal side) have nothing to do with *Yamamoto*. Reconsideration and withdrawal of these rejections is respectfully requested.

Claims 6 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Noreen et al. (U.S. Application No. 2002/0183059) in view of Jawa et al. (U.S. Patent No. 6,728,729).

Claims 6 and 11 depend directly from independent claim 1. As discussed above, *Noreen* is defective because it fails to teach or suggest the limitation “the terminal is

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further comprised of a playback unit which plays the recording media and a display unit which searches the reception side music database according to the identification information of the recording media being played back at the playback unit and displays music information thus searched for on the display unit” provided by claim 1.

Applicant respectfully asserts that claim 1 is not rendered unpatentable by *Noreen* in view of *Jawa* because *Noreen* and *Jawa* fail to teach or suggest the amended claim limitation. For at least this reason claim 1 is allowable over these references. Claims 6 and 11 depend from and further define claim 1 and are therefore also allowable. Furthermore, *Jawa* describes a client which is able to receive media information sent from a server and manage media information locally. See *Jawa*, abstract. However, the local management in the client has no relation to the local management achieved in the terminal of the recited claim limitations. The terminal of the present invention is configured to search reception side music data according to identification information of a recording media being played back in the terminal, and further, that the music information thus searched for is displayed in the terminal. Therefore, the claimed features realized on the reception side (*i.e.*, the terminal side) have nothing to do with *Yamamoto*. Reconsideration and withdrawal of these rejections is respectfully requested.

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**CONCLUSION**

Applicant respectfully submits that claims 1-13 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: February 13, 2009

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